

TWELFTH DAY

(Monday, January 28, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzales	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent—Excused

Bracewell	Ratliff
Hazlewood	Secrest

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 24, 1957, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Secrest was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Ratliff was granted leave of absence for today on account of inclement weather on motion of Senator Hardeman.

Senator Bracewell was granted leave of absence for today on account of important business on motion of Senator Phillips.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Parkhouse:

S. B. No. 139, A bill to be entitled "An Act leasing the Texas Hall of State Building located in the City of Dallas, situated in Fair Park, a park owned by the City of Dallas; providing conditions of the lease; providing that the State Board of Control shall execute the lease; and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 140, A bill to be entitled "An Act amending Article 373 of the Penal Code of Texas, 1925, so as to permit officers of counties, cities and towns to enter into or become pecuniarily interested in contracts with the county, city or town when the material, goods, merchandise or services covered by the contract are available from only one source; requiring certain other conditions; providing a severability clause and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Parkhouse:

S. B. No. 141, A bill to be entitled "An Act amending Article 3.40 of the provisions of Senate Bill 236, known as the Insurance Code, Acts 1951, 52nd Legislature, as amended by Senate Bill No. 12, Acts 1955, 54th Legislature, pertaining to investments by life, health or accident insurance companies in real estate by adding to said Article a paragraph permitting such companies to acquire, secure, hold and convey, in addition to real property now authorized by law, branch office buildings as shall be requisite for its accommodation in the transaction of its business and for lease and rental subject to certain restrictions, limitations and exceptions; repealing conflicting laws and parts of laws to the extent of such conflict; and declaring an emergency."

To the Committee on Insurance.

By Senator Parkhouse:

S. B. No. 142, A bill to be entitled "An Act to amend Article 3.39 of Chapter 3 of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of 1955, 54th Legislature, Page 916, Chapter 363, Section 12) to regulate the investment of the funds of life insurance companies; and declaring an emergency."

To the Committee on Insurance.

By Senator Moore:

S. B. No. 143, A bill to be entitled "An Act to prohibit the manufacture, sale and use of certain fireworks and to regulate the manufacture, sale and use of certain other fireworks: Defining what fireworks may be manufactured, sold and used in the State of Texas and declaring their use not to be a nuisance; requiring the proper identification of fireworks; the exemption of certain toys that might be classified as fireworks; providing for the licensing of manufacturers, distributors, jobbers, importers, salesmen, and retailers engaged in the fireworks business and fixing the fee to be paid by each; restricting the places where fireworks may be kept, stored, located or displayed and regulating the conduct of persons coming in contact with fireworks; prohibiting the sale of fireworks to children under ten (10) and prohibiting the exploding or igniting of fireworks in and around certain businesses and buildings; restricting the effectiveness of the Act only to fireworks to be used in the State and not otherwise; exempting public displays but providing for permits and regulations of public displays and requiring a bond to insure against damage; fixing penalties for the violation thereof; the designation that all revenues from licenses shall be paid to the general fund after expenses of enforcement of the Act have been paid; providing that a portion thereof which is found to be unconstitutional shall not affect the remainder and repealing all laws in conflict therewith; fixing the effective date of such Act and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Fly:

S. B. No. 144, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to fix a uniform tuition fee for all medical and dental students who are pursuing courses leading to the M. D. and D. D. S. degrees and for those students in other programs than those leading to the degrees of M. D. and D. D. S. in the Medical and Dental Schools of The University of Texas; repealing laws in conflict; and declaring an emergency."

To the Committee on State Affairs.

By Senator Fly:

S. B. No. 145, A bill to be entitled

"An Act regulating the marketing of brake fluids in the State of Texas; granting certain powers to the Public Safety Director in connection therewith; providing penalties for the violation of this Act; providing for the confiscation of brake fluids held or sold in violation of the Act; and declaring an emergency."

To the Committee on State Affairs.

By Senator Owen:

S. B. No. 146, A bill to be entitled "An Act authorizing the District Attorney of the 70th Judicial District to employ stenographers, assistants and investigators; prescribing their compensation, powers, duties, authority and method of employment; making other provisions relating thereto; providing a repealing clause; providing a severability clause and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Smith:

S. B. No. 147, A bill to be entitled "An Act to amend Section I of House Bill 119 enacted by the first called session of the Fifty-third Legislature (being an act authorizing cities having more than 250,000 population to issue Airport Revenue Bonds for purposes under conditions, and having specifications as provided therein:) to revise the minimum population limit for the issuance of such Airport Revenue Bonds; and declaring an emergency."

To the Committee on State Affairs.

By Senator Krueger:

S. B. No. 148, A bill to be entitled "An Act amending Article 602, Penal Code of Texas, 1925, and adding a new Article to be numbered Article 602-A, so as to define what shall constitute willfully deserting, neglecting or refusing to provide for the support and maintenance of a wife in necessitous circumstances and to define what shall constitute willfully deserting, neglecting or refusing to provide for the support and maintenance of one's child or children under sixteen years of age; fixing a penalty; providing that a second conviction for a like offense and conviction for deserting and leaving the state shall be a felony; providing for severance of any part of this Act held invalid; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Krueger:

S. B. No. 149, A bill to be entitled "An Act to amend the Meat Inspection Law (Chapter 339, Acts 49th Legislature, as amended) so as to include poultry and domestic rabbits within its provisions; defining poultry to include domesticated birds and commercially-produced game birds; and declaring an emergency."

To the Committee on Public Health.

By Senator Lock:

S. B. No. 150, A bill to be entitled "An Act requiring preference to be given Texas citizens and firms, corporations, associations or businesses organized in Texas in contracts made by agencies of the State for purchases of supplies, material, merchandise or equipment; providing the provisions of this Act shall be cumulative; providing a severability clause and declaring an emergency."

To the Committee on State Affairs.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 13. Relative to Housing Standards for Mexican National Workers Exercised by United States Labor Department.

Senate Resolution 61

Senator Hardeman offered the following resolution:

Whereas, There is present in the Capitol today, a distinguished young citizen of Texas; and

Whereas, It is the desire of the Senate to recognize and utilize the services of this young Texan by designating him an Honorary Page of the Senate; Now, therefore be it

Resolved, By the Senate of Texas that Chris Harte of Corpus Christi, formerly of San Angelo, Texas, be and he is hereby designated an Honorary Page of the Senate.

HARDEMAN
REAGAN
FLY
KAZEN
HUDSON

The resolution was read and was adopted.

Senate Concurrent Resolution 18

Senator Reagan offered the following resolution:

S. C. R. No. 18, Granting Southern Community Gas Company permission to sue State of Texas.

Whereas, The Southern Community Gas Company is a corporation, and is a corporation duly incorporated and existing under the laws of the State of Texas; and

Whereas, The Southern Community Gas Company paid to the State of Texas gas gathering taxes in the amount of \$2,345.91 during the months of November and December, 1951, said taxes being levied by Section XXIII of House Bill 285, Chapter 402, page 740, Acts of the Fifty-second Legislature of the State of Texas, which became effective September 1, 1951, and which said Act has been declared unconstitutional by the Supreme Court of the United States in the cases of Michigan-Wisconsin Pipeline Company vs. Robert S. Calvert, et al., and Panhandle Eastern Pipeline Company vs. Robert S. Calvert, et al., 347 U. S. 157, 74 S. Ct. 396, 98 L. Ed. 583; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, In order to definitely and accurately determine the same it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that the Southern Community Gas Company be, and it is hereby granted permission to bring suit against the State of Texas, in any court of competent jurisdiction in Travis County, Texas, within two (2) years from the effective date of this Resolution, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by Southern Community Gas Company under said unconstitutional law. The sole purpose of this Resolution is to grant permission to the aforesaid Southern

Community Gas Company to bring suit against the State of Texas, and no admission or liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which he seeks to recover must be proved in court as in other civil cases. Service of citation may be had by service upon the Attorney General, the State Treasurer and the Comptroller of Public Accounts of the State of Texas, and be it further

Resolved, That no interest shall be paid to Southern Community Gas Company in the event a final judgment is obtained by it for recovery of taxes paid under House Bill 285, Fifty-second Legislature; provided if a final judgment is obtained by the Southern Community Gas Company all increases in rates obtained on the basis of taxes paid under House Bill 285, Regular Session, Fifty-second Legislature, shall be refunded in full to all those having paid such rate increase.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Resolution 62

Senator Parkhouse offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Philip Whitley, of Baytown, Texas, a student at Schreiner Institute; and

Whereas, We desire to welcome this young visitor to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Parkhouse by unanimous consent presented Mr. Whitley to the Members of the Senate.

Senate Concurrent Resolution 19

Senator Parkhouse offered the following resolution:

S. C. R. No. 19, Granting Texas Power and Light Company permission to sue the State of Texas.

Whereas, Texas Power and Light company is a Texas corporation doing business in the State of Texas in

accordance with the laws of said State of Texas; and

Whereas, The said Texas Power and Light Company has paid to the State of Texas gas gathering taxes beginning in the month of November, 1952, and continuing through January, 1953, said taxes being levied by Section XXIII of House Bill 285, Chapter 402, Page 740, Acts of the 52nd Legislature of the State of Texas which became effective September 1, 1951, and which said Act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company vs. Robert S. Calvert, et al. and Panhandle Eastern Pipeline Company vs. Robert S. Calvert, et al., 347 U.S. 157, 74 S. C. 396; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitely and accurately determine the same it is the policy of this legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved by the Senate of Texas, with the House of Representatives concurring, That Texas Power and Light Company be and it is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by Texas Power and Light Company under said unconstitutional law and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney Gen-

eral, the State Treasurer and the Comptroller of Public Accounts; and be it further

Resolved, That such suit may be filed within two years from the effective date of this resolution; and be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of the liability on the part of the State or any fact is made by this resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

Communication from Supreme Court of Texas

The President laid before the Senate the following communication:

Austin, Texas,
January 25, 1957.

To the Senate of Texas:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a member of the State Board of Pardons and Paroles, Mr. Pat Bullock of Colorado City, Mitchell County, Texas.

J. E. HICKMAN,
Chief Justice,
The Supreme Court of Texas.

The communication was read and was referred to the Committee on Nominations.

Co-author of Bill

Senator Smith asked unanimous consent to be shown as co-author of S. B. No. 37.

There was no objection offered.

Senate Concurrent Resolution 12 on Second Reading

Senator Reagan by unanimous consent moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. C. R. No. 12 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Bradshaw
Ashley	Colson

Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Smith
Lane	Weinert
Lock	Willis
Moffett	Wood
Moore	

Nays—2

Hardeman	Martin
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Absent—Excused

Bracewell	Ratliff
Hazlewood	Secrest

The President laid before the Senate on its second reading and passage to engrossment:

S. C. R. No. 12, Granting Midway Gas Company permission to sue the State of Texas.

The resolution was read second time.

The President laid out the following committee amendment to the resolution:

Amend S. C. R. No. 12 by striking out the sentence beginning with the words "Nothing herein contained" in the resolving clause and substituting in lieu thereof the following:

"The sole purpose of this resolution is to grant permission to the aforesaid Midway Gas Company to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in court as in other civil cases."

The committee amendment was adopted.

The resolution as amended was passed to engrossment.

Senate Concurrent Resolution 5 on Third Reading

On motion of Senator Moore and by unanimous consent the President laid before the Senate on its third reading the following resolution:

S. C. R. No. 5, Granting B. F. Clark and wife, Winnie Mae Clark, permission to sue the State of Texas.

The resolution was read the third time and was adopted by the following vote:

Yeas—27

Aikin	Martin
Ashley	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent—Excused

Bracewell	Ratliff
Hazlewood	Secrest

Senate Concurrent Resolution 11
on Second Reading

Senator Parkhouse by unanimous consent moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. C. R. No. 11 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Ashley	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Reagan
Gonzalez	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Nays—2

Hardeman	Martin
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Absent—Excused

Bracewell	Ratliff
Hazlewood	Secrest

The President laid before the Senate on its second reading and passage to engrossment:

S. C. R. No. 11, Granting Bi-Stone

Fuel Company permission to sue the State of Texas.

The resolution was read the second time.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. No. 11 by adding a new resolving clause as follows:

"Resolved, That no interest shall be paid Bi-Stone Fuel Co. in the event a final judgment is obtained by it for recovery of taxes paid under H. B. No. 285, 52nd Legislature."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. No. 11 by adding the following to the resolving clause:

"Provided if a final judgment is obtained by the Bi-Stone Fuel Co. all increases in rates obtained on the basis of taxes paid under H. B. No. 285, R. S. 52nd Legislature, shall be refunded in full to all those having paid such rate increase."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend S. C. R. No. 11 by adding a new "whereas" clause just before the resolving clause to read as follows:

"Whereas the attorney general of this State is requested to have the questions of law involved finally settled in the Supreme Court of Texas."

The amendment was adopted.

The resolution as amended was passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the passage of S. C. R. No. 11 to engrossment.

Senate Concurrent Resolution 8
on Second Reading

Senator Lock moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. C. R. No. 8 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Ashley	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzales	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent—Excused

Bracewell	Ratliff
Hazlewood	Secrest

The President laid before the Senate on its second reading and passage to engrossment:

S. C. R. No. 8, Granting S. F. Bowser Company permission to sue the State of Texas.

The resolution was read second time.

Senator Lock offered the following committee amendment to the resolution:

Amend S. C. R. No. 8 by striking out the paragraph commencing with the words "Nothing herein" and substituting in lieu thereof the following:

"The sole purpose of this resolution is to grant permission to the aforesaid S. F. Bowser Company, Inc. to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in court as in other civil cases."

The committee amendment was adopted.

Senator Lock offered the following amendment to the resolution:

Amend S. C. R. No. 8 by adding at the end of said resolution a new paragraph to read as follows:

"The facts stated above create an emergency and an imperative public necessity that the Constitutional Rule requiring resolutions to be read on three several days in each House be suspended and said Rule is hereby

suspended, and this resolution shall take effect from and after its passage."

The amendment was adopted.

The resolution as amended was passed to engrossment.

Senate Concurrent Resolution 8
on Third Reading

Senator Lock moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. C. R. No. 8 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bradshaw	Moffett
Colson	Moore
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent

Owen	Wood
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Absent—Excused

Bracewell	Ratliff
Hazlewood	Secrest

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bradshaw	Moffett
Colson	Moore
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Absent

Owen

Wood

Absent—ExcusedBracewell
HazlewoodRatliff
Secrest**Senate Bill No. 44 on Second Reading**

Senator Moffett by unanimous consent moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 44 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Moore

Absent—Excused

Bracewell	Ratliff
Hazlewood	Secrest

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 44, A bill to be entitled "An Act defining offenses in connection with the furnishing of alcoholic beverages, narcotic drugs, barbiturates, and other drug stimulants to inmates of the Texas Prison System and the taking of these articles into the confines of Texas Prison System property, and prescribing a penalty for violation; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Fuller offered the following amendment to the bill:

Amend S. B. 44 by striking out the word "five" in line 41, printed bill, and inserting in lieu thereof the

word "two" and by striking out the word "ten" in line 42, and inserting the word "fifteen."

The amendment was adopted.

On motion of Senator Moffett and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill No. 44 on Third Reading

Senator Moffett moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Ashley	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzales	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent—Excused

Bracewell	Ratliff
Hazlewood	Secrest

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Krueger
Ashley	Lane
Bradshaw	Lock
Colson	Martin
Fly	Moffett
Fuller	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Herring	Phillips
Hudson	Reagan
Kazen	Roberts

Rogers
Smith
Weinert

Willis
Wood

Absent—Excused

Bracewell
Hazlewood

Ratliff
Secrest

**Communication from Texas Farm
Bureau**

On motion of Senator Owen and by
unanimous consent the President laid
before the Senate the following com-
munication:

Waco, Texas,
January 24, 1957

Hon. Frank Owen, Member of Texas
Senate, Austin, Texas.

The Board of Directors of the Tex-
as Farm Bureau, in session in Waco
today, wishes to commend you and
all members of the Texas Senate for
your resolution condemning the un-
realistic regulations issued by the
U. S. Department of Labor in regard
to housing for Mexican national brac-
eros. While we believe in the neces-
sity for providing adequate housing
facilities for contracted Mexican na-
tionals, we deplore the actions of the
Department of Labor in issuing regu-
lations which make the Mexican labor
program unworkable.

We respectfully request that this
be read to the entire Membership of
the Senate as a token of our grati-
tude for its efforts on behalf of the
agricultural industry of Texas.

J. WALTER HAMMOND,
President, Texas Farm
Bureau

The communication was read.

On motion of Senator Owen and by
unanimous consent the communica-
tion was ordered printed in the Jour-
nal.

Senate Bill No. 28 on Second Reading

Senator Moffett by unanimous con-
sent moved that Senate Rule 116 and
Section 5 of Article III of the State
Constitution be suspended and that
S. B. No. 28 be taken up for consid-
eration at this time.

The motion prevailed by the fol-
lowing vote:

Yeas—26

Aikin Ashley

Bradshaw
Colson
Fly
Fuller
Gonzalez
Hardeman
Herring
Hudson
Kazen
Krueger
Lane
Martin

Lock
Moffett
Owen
Parkhouse
Phillips
Reagan
Roberts
Rogers
Smith
Weinert
Willis
Wood

Absent

Moore

Absent—Excused

Bracewell
Hazlewood

Ratliff
Secrest

The President laid before the Sen-
ate on its second reading and passage
to engrossment:

S. B. No. 28, A bill to be entitled
"An Act authorizing and directing the
Board for Texas State Hospitals and
Special Schools, acting by the Execu-
tive Director thereof, to execute and
deliver to the State Highway Commis-
sion of Texas a right-of-way easement
to certain land in Wilbarger County,
Texas, for the reconstruction and
maintenance of a State highway ex-
tending along or across certain State
property known as Vernon State Hos-
pital, Branch of Wichita Falls State
Hospital; and declaring an emer-
gency."

The bill was read second time and
was passed to engrossment.

Senate Bill No. 28 on Third Reading

Senator Moffett moved that the
Constitutional Rule and Senate Rule
32 requiring bills to be read on three
several days be suspended and that
S. B. No. 28 be placed on its third
reading and final passage.

The motion prevailed by the fol-
lowing vote:

Yeas—26

Aikin
Ashley
Bradshaw
Colson
Fly
Fuller
Gonzalez
Hardeman
Herring

Hudson
Kazen
Krueger
Lane
Lock
Martin
Moffett
Owen
Parkhouse

Phillips	Smith
Reagan	Weinert
Roberts	Willis
Rogers	Wood

Absent

Moore

Absent—Excused

Bracewell	Ratliff
Hazlewood	Secrest

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Bradshaw
Ashley	Colson

Fly	Moore
Fuller	Owen
Gonzales	Parkhouse
Hardeman	Phillips
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Smith
Lane	Weinert
Lock	Willis
Martin	Wood
Moffett	

Absent—Excused

Bracewell	Ratliff
Hazlewood	Secrest

Adjournment

On motion of Senator Hardeman the Senate at 11:38 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Charles H. Fuller

Senator Ashley offered the following resolution:

(Senate Resolution 59)

Whereas, The Universal Father, in his infinite wisdom, on the 31st day of March, 1956, removed from his earthly labors in the 86th year of his life, the father of our beloved colleague, Senator Jep S. Fuller; and

Whereas, Charles H. Fuller was born on the 12th day of February, 1870 and lived in East Texas all of his life; and

Whereas, Mr. Fuller was a traveling salesman selling groceries and produce and at one time owned his own wholesale produce company, the Fuller Fruit Company at Jacksonville, Texas; and

Whereas, Mr. Fuller was the last remaining member of that historic fraternity, the old time Texas Drummer; and

Whereas, Mr. Fuller was a well-known and highly respected businessman and the influence of his useful and fruitful life will forever be felt by those who were privileged to know him; and

Whereas, He was a member of the Methodist Church and observed in his daily living the highest principles of Christianity; and

Whereas, Mr. Fuller is survived by his wife, Mrs. Eva Hodnett Fuller, three daughters and three sons; Mrs. Belle Fuller Huff, Mrs. Bena Fuller Dunlap, Mrs. Martha Hester Fuller Mims, Senator Jep S. Fuller, Mr. Richard S. Fuller, Mr. Charles H. Fuller, Jr., and also eleven grandchildren and nine great-grandchildren; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this fine citizen and his family and that when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this Resolution; and be it further

Resolved, That enrolled copies of this Resolution be forwarded to the surviving members of his family as a token of respect and sympathy.

ASHLEY

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Her-ring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Kazen and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Mrs. Louise Pannill Davis

Senator Willis offered the following resolution:

(Senate Resolution 60)

Whereas, On November 9, 1955, in the death of Mrs. Louise Pannill Davis, Fort Worth, lost an able and respected member of the community; and

Whereas, Mrs. Davis was a member of a family that had furnished outstanding citizens of Texas, including her father, William Pannill, a judge of the Court of Civil Appeals at Eastland, her paternal grandfather, Dr. William Pannill, a physician in Corsicana for many years and her maternal grandfather, Colonel W. C. Cherry, of the Confederate Army; and

Whereas, She was a graduate of Texas Christian University and had studied at Southern Methodist University and at the University of Mexico City, being well qualified by her education for the long period during which she taught in the public schools of Fort Worth, to which city she had come with her husband, the late John N. Davis, in 1928; now therefore, be it

Resolved, By the Senate of the Fifty-fifth Legislature of Texas, that this sincere tribute is hereby made to the useful and worthy life of Mrs. Louise Pannill Davis; and be it further

Resolved, That the sincere sympathy of the members of the Senate be extended to her family and that copies of this resolution shall be sent to her mother, Mrs. Mattie C. Pannill of Fort Worth; to her sisters, Mrs. O. A. Wooten, Mrs. E. G. Aycock and Mrs. C. A. Ramsey of Fort Worth, and Mrs. John L. Camp of Bay City; and to her brothers, Fitzhugh Hastings Pannill of Midland and William Cherry Pannill of Fort Worth.

The resolution was read and was adopted by a rising vote of the Senate.